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10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 DAVID LUCERO,

13 Plaintiff,

14 vs.

15 SMITH-PALLUCK ASSOCIATES CORP.,  
d/b/a LAS VEGAS ATHLETIC CLUBS

16 Defendant.  
17

Case No. 2:17-cv-01399-JAD-CWH

**STIPULATION AND ORDER TO  
EXTEND SCHEDULING ORDER  
DEADLINES BY 30 DAYS**

**(Third Request)**

18 Pursuant to LR IA 6-1 and LR 26-4, plaintiff David Lucero ("Plaintiff"),  
19 defendant Smith-Palluck Associates Corp., d/b/a Las Vegas Athletic Clubs ("LVAC")  
20 (together, the "Parties"), by and through their respective counsel of record, stipulate  
21 and request that this Court extend discovery and dispositive motion deadlines in  
22 the above-captioned case by approximately 30 days. The requested extension will  
23 allow the Parties to efficiently address, without motion practice, issues raised by  
24 Plaintiff's recent production of an expert opinion and to schedule depositions. The  
25 Parties have conferred and agree that this brief extension is the most reasonable,  
26 most economical, and least burdensome way to complete discovery in this case.

27 This is the Parties' third request for an extension to the scheduling order  
28 deadlines. The Parties make this request in good faith and not for purposes of

1 delay.

2 **I. Discovery Completed and Remaining**

3 Plaintiff has served written discovery to LVAC, a third-party subpoena, an  
4 expert disclosure and supplement thereto, and a notice of deposition of LVAC's Rule  
5 30(b)(6) designee. LVAC has served objections to Plaintiff's written discovery.  
6 LVAC intends to issue written discovery and depose Plaintiff. The Parties are in  
7 the process of conferring regarding certain pending discovery matters, including  
8 deposition scheduling.

9 **II. Good Cause (and Excusable Neglect) Exists for the Requested Extension**

10 Good cause and excusable neglect exists for the requested extension. On  
11 March 29, 2018, Plaintiff served a declaration containing previously-undisclosed  
12 expert opinions. After meeting and conferring, the Parties have agreed that LVAC  
13 will not object to the timing of this expert disclosure provided that LVAC may have  
14 30 days from March 29, 2018 to, if necessary, serve a rebuttal expert disclosure.  
15 This compromise allows the Parties and the Court to avoid expending time and  
16 resources on potential motion practice regarding the timing of Plaintiff's expert  
17 disclosure. The extended time for discovery also allows the Parties to confer  
18 regarding discovery responses and to efficiently schedule party depositions for dates  
19 and times that minimize burdens upon the witnesses and counsel. For these  
20 reasons, the Parties believe their request for an extension should be granted.

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1 **III. Proposed Discovery Deadlines**

2 The Parties request an order extending the deadlines for disclosure of  
3 rebuttal experts, discovery, dispositive motions, and the pre-trial order. This  
4 extension is reasonable and necessary given the good cause set forth above.

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Event	Current Deadline <sup>1</sup>	New Deadline
Disclosure of Rebuttal Expert	December 7, 2017	Monday, April 30, 2018
Close of Discovery	May 7, 2018	Wednesday, June 6, 2018
Dispositive Motions	June 6, 2018	Friday, July 6, 2018
Pre-Trial Order	July 8, 2018	Monday, August 6, 2018

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11 **IT IS SO STIPULATED.**

12 Respectfully submitted this 4th day of April, 2018.

13 KAZEROUNI LAW GROUP, APC

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14  
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22 **ORDER**

23 IT IS SO ORDERED:

24 UNITED STATES MAGISTRATE JUDGE

25 DATED: April 5, 2018

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28 <sup>1</sup> See ECF Nos. 11 & 22.